

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's request for reconsideration in the After-final amendment of July 7, 2009 is persuasive and, therefore, the finality of the previous Office Action is withdrawn.
2. Pursuant to the entry of the After-final amendment of July 7, 2009, the status of the claims is as follows: Claims 1-16 are pending and under prosecution.
3. The rejection of claim 17 and 18 under 35 U.S.C. 103(a) as being unpatentable over European Patent Publication 225,036 is withdrawn in view of applicants' arguments.
4. The rejection of claims 1-2 and 5-12 under 35 U.S.C. 102(b) as being anticipated by European Patent Publication EP 310,100 is withdrawn in view of applicants' arguments.

### ***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1-2, 5-12 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Publication 225,036 (the publication).

The publication discloses polypropylene fibers for reinforcement of products based on fibers and a hydraulic-setting substance and products produced therewith, said fibers having an antistatic coating thereon, per claims 1-2, 7-8, 10 and 12. See entire document, for example, abstract, page 3, lines 25-31, page 4, lines 1-13. In addition, the publication discloses that the coating is present on the fibers in an amount

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ranging from 0.1 to 5.0% by mass and that the fibers are added to the hydraulic in an amount of 0.05 to 20% by weight, as required by claims 5 and 9. See page 4, lines 24-30 and claim 10. Also, the publication discloses that the antistatic coating is applied in any of the manners set forth in present claim 6, and that the process is manufactured according to a process that is essentially as claimed in present claim 11. Regarding claims 17 and 18, the publication discloses fatty acid derived polyethylene glycol esters. See page 4, line 14 through page 5, and line 11 and Examples and claim 2.

Therefore, the teachings of the publication anticipate the invention as claimed in present claims 1-2, 5-12 and 17-18.

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 3-4 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Publication 225,036 (the publication) as applied above.

The publication is as set forth above but does not teach the titre or tenacity of the fibers. As to claim 3, this limitation is drawn to the size of the polypropylene fibers, wherein changes of size are not a matter of invention, in the absence of factual evidence to the contrary. As to claim 4, it would have been obvious to the skilled artisan to choose fibers of a specific tenacity commensurate with the desired end use. For example, fibers to be used in the formation of ballistic articles would suitably be chosen with a different tenacity than fibers to be used in the formation of a diaper. Regarding claims 13-16, it is the examiner's position that these claims are no more than a

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preferential selection of a known sizing agent from among being selected for its art recognized purpose. Accordingly, this would have been an obvious variant to the skilled artisan in the absence of clear factual evidence of superior or unexpected properties that are directly related to said sizing agent.

Therefore, the teachings of the publication would have rendered obvious present claims 3-4 and 13-16.

9. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Publication EP 310,100 (Hansen).

Hansen discloses polypropylene fibers for reinforcement of products based on fibers and a hydraulic-setting substance and products produced therewith, said fibers having a coating thereon, per claims 1-2, 7-8, 10 and 12. See entire document, for example, abstract, page 4, lines 39-42. In addition, Hansen discloses that the coating is present on the fibers in an amount ranging from 0.15 to 3.0% by weight and that the fibers are added to the hydraulic in an amount of about 1.5 to 3% by weight, as required by claims 5 and 9. See page 4, lines 45-48 and page 6, lines 7-24. Also, Hansen discloses that the antistatic coating is applied in any of the manners set forth in present claim 6, and that the process is manufactured according to a process that is essentially as claimed in present claim 11. See Examples.

As to claim 3, this limitation is drawn to the size of the polypropylene fibers, wherein changes of size are not a matter of invention, in the absence of factual evidence to the contrary. As to claim 4, it would have been obvious to the skilled artisan to choose fibers of a specific tenacity commensurate with the desired end use. For

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example, fibers to be used in the formation of ballistic articles would suitably be chosen with a different tenacity than fibers to be used in the formation of a diaper. Regarding claims 13-18, it is the examiner's position that these claims are no more than a preferential selection of a known sizing agent from among being selected for its art recognized purpose. Accordingly, this would have been an obvious variant to the skilled artisan in the absence of clear factual evidence of superior or unexpected properties that are directly related to said sizing agent.

Therefore the teachings of Hansen anticipate the invention as claimed in present claims 1-18.

### ***Response to Arguments***

10. Applicant's arguments filed July 7, 2009 have been fully considered but they are not persuasive.

Applicants argue that Szekely nor Hansen disclose fibers containing sizing agents limited to specified antistatic agents and their fibers nor the specific sizing agents set forth in new claims 13-18.

In this regard and as set forth above, it is the examiner's position that these claims are no more than a preferential selection of a known sizing agent from among being selected for its art recognized purpose. Accordingly, this would have been an obvious variant to the skilled artisan in the absence of clear factual evidence of superior or unexpected properties that are directly related to said sizing agent. Applicants are invited to provide such evidence. In addition, Szekely discloses a sizing agent that is a product based on a fatty-acid derived polyethylene glycol ester as required by present

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claims 1 and 17-18. Note claim 2. In addition, Hansen discloses surfactants. This teaching renders obvious the limitation of a product based on "nonionic surfactant and esterquats."

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill Gray whose telephone number is 571-272-1524.

The examiner can normally be reached on M-Th and alternate Fridays 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jill Gray/  
Primary Examiner  
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jmg

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